

COVER SHEET

Case: 06CO2:23-cv-00086 Document # 1 Filed: 03/29/2023 Page 1 of 1

Civil Case Filing Form

(To be completed by Attorney/Party)

Prior to Filing of Pleading)

Mississippi Supreme Court
Administrative Office of CourtsForm AOC/01
(Rev 2020)

Court Identification Docket #

0102 CO

County # Judicial District

(CH, CI, CO)

Case No. 032923

2023

Docket Number

032923

Month Date Year

This area to be completed by clerk

086

ALT

Local Docket ID

Case Number if filed prior to 1/1/94

In the COUNTY



Court of BOLIVAR



County

—

Judicial District

Origin of Suit (Place an "X" in one box only)

 Initial Filing Reinstated Remanded Reopened Foreign Judgment Enrolled Joining Suit/Action Transfer from Other court Appeal Other

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Kovarcik

Beverly

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

 Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business Bayou Academy

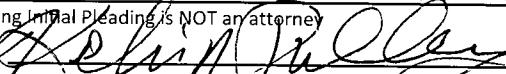
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

 Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A _____

Address of Plaintiff _____

Attorney (Name & Address) Kelvin Pulley, 104 Cotton Street, Greenwood, MS 38930

MS Bar No. 104106

 Check (x) if Individual Filing Initial Pleading is NOT an attorneySignature of Individual Filing: 

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual _____

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

 Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

 Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A _____

Attorney (Name & Address) - If Known _____

MS Bar No. _____

 Check (x) if child support is contemplated as an issue in this suit.*

*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

Domestic Relations

- Child Custody/Visitation
- Child Support
- Contempt
- Divorce:Fault
- Divorce: Irreconcilable Diff.
- Domestic Abuse
- Emancipation
- Modification
- Paternity
- Property Division
- Separate Maintenance
- Term. of Parental Rights-Chancery
- UIFSA (eff 7/1/97; formerly URESA)
- Other _____

Appeals

- Administrative Agency
- County Court
- Hardship Petition (Driver License)
- Justice Court
- MS Dept Employment Security
- Municipal Court
- Other _____

Business/Commercial

- Accounting (Business)
- Business Dissolution
- Debt Collection
- Employment
- Foreign Judgment
- Garnishment
- Replevin
- Other _____

Probate

- Accounting (Probate)
- Birth Certificate Correction
- Mental Health Commitment
- Conservatorship
- Guardianship
- Joint Conservatorship & Guardianship
- Heirship
- Intestate Estate
- Minor's Settlement
- Muniment of Title
- Name Change
- Testate Estate
- Will Contest
- Alcohol/Drug Commitment (Involuntary)

Children/Minors Non-Domestic

- Adoption - Contested
- Adoption - Uncontested
- Consent to Abortion
- Minor Removal of Minority
- Other _____

Civil Rights

- Elections
- Expungement
- Habeas Corpus
- Post Conviction Relief/Prisoner
- Other _____

Contract

- Breach of Contract
- Installment Contract
- Insurance
- Specific Performance
- Other _____

Statutes/Rules

- Bond Validation
- Civil Forfeiture
- Declaratory Judgment
- Injunction or Restraining Order
- Other _____

Real Property

- Adverse Possession
- Ejectment
- Eminent Domain
- Eviction
- Judicial Foreclosure
- Lien Assertion
- Partition
- Tax Sale: Confirm/Cancel
- Title Boundary or Easement
- Other _____

Torts

- Bad Faith
- Fraud
- Intentional Tort
- Loss of Consortium
- Malpractice - Legal
- Malpractice - Medical
- Mass Tort
- Negligence - General
- Negligence - Motor Vehicle
- Premises Liability
- Product Liability
- Subrogation
- Wrongful Death
- Other _____

EXHIBIT

A

IN THE COUNTY COURT OF BOLIVAR COUNTY, MISSISSIPPI
SECOND JUDICIAL DISTRICT

BEVERLY KOVARCIK

PLAINTIFF

VS.

CAUSE NO. 2023-086

BAYOU ACADEMY

DEFENDANT

COMPLAINT

COMES NOW Plaintiff Beverly Kovacik, by and through counsel, and files this Complaint against Defendant, Bayou Academy, and, in support hereof, states as follows:

PARTIES

1. Plaintiff Beverly Kovarcik is an adult resident citizen of Bolivar County, Mississippi.
2. Defendant Bayou Academy is a private school in Bolivar County, Mississippi who may be served with service of process by this Court by the registered agent for process at the following address: 1291 Crosby Road, Cleveland, Mississippi 38732.

RELEVANT FACTS

3. Mrs. Kovarcik was wrongfully terminated by Mr. Curt McCain on June 17, 2022.

Although Mrs. Kovarcik was never given a reason for her termination, Mr. Curt McCain mentioned a video of an off-campus incident that occurred where Mrs. Kovarcik used a racial slur.

4. My client, Beverly Kovarcik, is a beloved art teacher who spent several hundreds of dollars of her hard earned money to provide a better education in the arts for the children of Bayou Academy. However, because she is not a wealthy contributor to the school's overall finances, Mr. Curt McCain terminated her for no reason and threw her out the door like a bag of trash.

6. Immediately upon the termination of Mrs. Kovarcik, Mr. Curt McCain hired a 30 year old inexperienced art teacher. Mrs. Kovarcik has first-hand knowledge and has seen with her own eyes the blatant fraternization between Mr. Curt McCain and his young teachers.

7. This sexist workplace environment is unbelievable. Mrs. Kovarcik says that it is common knowledge for all the men to call Mr. McCain "Curt" but all the women faculty must call him "MR."

8. My client signed a renewal contract in April 2022. She has not violated the terms of the contract. She should not have been fired. She endured the narcissistic behavior of Mr. Curt McCain because she enjoyed teaching the students of Bayou Academy. Because of this abrupt termination, Mrs. Kovarcik was forced to hire an attorney accept a job paying considerably less than Bayou Academy.

9. If this was not enough embarrassment and humiliation, on July 25, 2022, my client was mailed a check in the amount of \$0.00 to further mistreat her. (Attached is the check). There were also donations to her summer art program that were never given to her. The school kept the check.

COUNT I

BREACH OF CONTRACT

9. The above and foregoing actions of Defendant Bayou Academy give rise to a cause of action for breach of contract as Bayou Academy breached the contract with Plaintiff by failing to pay her in accordance with the employment contract.

10. All of the foregoing conduct constitutes a breach of contract which has resulted in damages to Plaintiff.

COUNT II

BREACH OF GOOD FAITH AND FAIR DEALING

11. The above and foregoing actions of Defendant Bayou Academy give rise to a cause of action for breach of fiduciary duty, good faith and fair dealing as Bayou Academy has failed to operate in good faith.

12. Bayou Academy has intentionally breached the contract with Plaintiff and in so doing evidenced an intent never to have honored the contract.

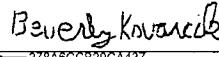
COUNT III

WHEREFORE, PREMISES CONSIDERED, Plaintiff Beverly Kovarcik demands judgment of, from and against Defendant Bayou Academy in the following particulars:

- A. For monetary damages arising from a breach of contract in an amount to be set at \$250,000;
- B. For attorney fees of \$3,500.00;

Dated, this the ____ day of March, 2023.

RESPECTFULLY SUBMITTED,

DocuSigned by:

BEVERLY KOVARCIK

IN THE COUNTY COURT OF BOLIVAR COUNTY, MISSISSIPPI

BEVERLY KOVARCIK

PLAINTIFF

vs.

CIVIL ACTION NO.: 2023-086

BAYOU ACADEMY

SUMMONS

**STATE OF MISSISSIPPI
COUNTY OF BOLIVAR**

**TO: CURT MCCAIN
1291 Crosby Road
Cleveland, MS 38732**

You are required to mail or hand-deliver a copy of a written response to the Complaint to Kelvin Pulley, 104 Cotton Street, Greenwood, MS 38930. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your written responses to the discovery which is simultaneously being served with the Complaint must be mailed or delivered within 30 days from the date of delivery of this Summons and Complaint

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court this 29th day of March, 2023

By: S.

COUNTY COURT CLERK



PROOF OF SERVICE - SUMMONS

BAYOU ACADEMY (CURT MCCAIN)

(Name of Person or Entity Served)

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGEMENT SERVICE. By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgement and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgement of receipt pursuant to M.R.C.P. Form 1B).

PERSONAL SERVICE. I personally delivered copies of the summons and complaint on the 10th day of May, 2023, to:

Curt McCain, where I found said person(s) in Bolivar County of the State of Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies of the summons and complaint to Curt McCain within Bolivar County, Mississippi. I served the summons and complaint on the 10th day of May, 2023, at the usual place of abode of said _____ by leaving a true copy of the summons and complaint with _____, who is the _____ (husband, wife, son, daughter, etc), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 20_____, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served).

At the time of the service I was at least 18 years of age and not a party to this action.

Process server must list below: (Please print or type)

Name: Joseph Chiles

Telephone No. 662-822-3322

STATE OF MISSISSIPPI
COUNTY OF BOLIVAR

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Joseph Chillis who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.


Process Server (Signature)

Sworn to and subscribed before me this the 10TH day of May, 2023.

maurice H. Hansell, Jr. Notary Public
Chancery Clerk
By: Jonathan Matthews, Deputy Clerk

My Commission Expires:

MY COMMISSION EXPIRES JANUARY 1, 2024

